

**DEPARTMENT OF SOCIAL SERVICES**

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February 6, 1980

ALL-COUNTY LETTER NO. 80-10

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DEEMING THE INCOME OF IHSS SPOUSE PROVIDERS, AND TREATMENT  
OF VA AID AND ATTENDANCE ALLOWANCES RECEIVED BY IHSS  
RECIPIENTS

REFERENCE:

It has recently come to our attention that several counties are computing and levying a share of cost on recipients of Supplemental Security Income/State Supplementary Program (SSI/SSP) benefits who receive In-Home Supportive Services (IHSS) from spouse providers because of a misunderstanding about income deeming. The purpose of this notice is to clarify that recipients of SSI/SSP have no obligation to pay a share of cost for IHSS.

When an SSI/SSP recipient elects to receive IHSS from a spouse provider, or from a parent provider in the case of a recipient who is a minor child, county social services staff are to inform the recipient that he/she is obligated to report this additional income in the household to the Social Security Administration (SSA). SSA is responsible for making the necessary adjustment to the recipient's SSI/SSP benefit level. Counties are to make no adjustments to the recipient's IHSS benefit level because of deemed spouse provider income unless and until SSA discontinues the recipient from SSI/SSP (Manual of Policies and Procedures (MPP) Sections 30-455.1 and .2).

There have been cases where counties have determined that SSA has failed to take the necessary action to adjust the recipient's SSI/SSP grant because of deemed income. In such cases, the county should notify SSA directly of the facts of the case. If SSA still does not take action, the county should transmit the facts of the case to the appropriate Department of Social Services county program management consultant. The Department will contact Region IX (Health, Education, and Welfare (HEW)) to secure resolution of the problem.

In another related matter affecting computation of recipient's income, a change in the Federal Claims Manual Sections E12343(B)(1) and (2), now stipulates that Veterans' Administration (VA) aid and attendance or housebound allowances are not counted when determining a recipient's income. Accordingly, counties should, as of the date of this letter, treat these payments as alternative resources as defined by MPP Section 30-463.3. As provided in those regulations, the total need for IHSS is reduced by the hours equivalent of the aid and attendance or housebound allowance.

It is often unclear whether a veteran is receiving an aid and attendance or housebound allowance. Often the recipients of veteran's pensions will be that they are receiving this benefit because it is not separately identified on the veteran's check.

The following, procedures have been worked out to facilitate securing information about whether an aid and attendance or housebound allowance is being received, and if so, how much is being received. For persons who are not recipients of SSI/SSP, the county will need this information to complete the income computation. For all recipients, the county will need this information to complete the need assessment.

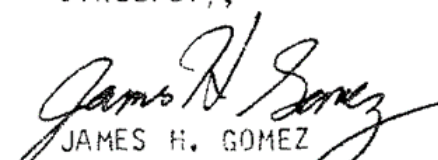
To obtain the necessary payment information, the county should send a letter to the nearest regional United States VA Office. The letter should specifically request information regarding the type and amount of the veteran's benefits received. In order to secure this information, the VA requires: the recipient's full name, claim number, and an authorization, signed by the recipient, to release the information. If the claim number is unavailable, the VA requires the following additional information: recipient's date of birth, Social Security number, branch of service, and dates of service (if available). Usually the VA will supply the information within 30 days.

During the thirty-day period, for persons who are not current recipients of SSI/SSP, the county should either treat the VA payment in a manner consistent with the recipient's description of it, or when the recipient has no information, treat it in the manner most beneficial to the recipient, e.g., for recipients with excess needs, treat such payments as an alternative resource. When the correct information is received, the county should recompute share of cost, adjust the service hour authorization, and adjust payment as necessary. For current recipients of SSI/SSP, the county should take no action until VA responds, unless the recipient indicates that an aid and attendance or housebound allowance of a specific amount is being received. When the VA responds, the service hours authorization and payments should be adjusted as appropriate.

In order to maximize utilization of this alternative resource, counties should routinely ask recipients whether they are veterans, spouses of veterans, or the parent of a veteran. If so, such recipients should be referred to the VA.

If you have any questions, contact your county program management consultant.

Sincerely,

  
JAMES H. GOMEZ  
Deputy Director

cc: CWDA